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United States District Court
Eastern District of Virginia
Richmond Division

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RICHMOND, VIRGINIA

Gilbert Melvin Carter Jr.
2910 Chamberlayne Ave. #D3
Richmond, Virginia 23222-3554
(804)677-8497

v

Case Number: 3:10cv552

Pilkington North America Inc.
811 Madison Ave.
Toledo, Ohio 43697-0799
(419)247-3731 Ext. #5

COMPLAINT

I have filed this action in Federal Court as I have been treated differently due to my race in violation of federal law.

In mid July 2010, a cleaning schedule for breakrooms and bathrooms was overtly and loudly assembled by Curtis Kimball in my presence. I immediately explained to Pilkington manager Eric Gorre that I do not use these areas and would not be serving as a maid or janitor for those who did. Curtis began to whistle, sing and laugh as he completed the schedule, handing it to Eric.

The week continued with constant harassment from Curtis through the use of racial remarks and swearing insults. He has a penchant for making racial remarks from out of the blue; e.g., "Black people smell; Black people stink; My mother called black people porch monkeys; The president planted another watermelon patch in the rose garden." Curtis would often come nearby and sing, "swing low sweet chariot" in a mock voice, or make disparaging remark such as, "You think you are (expletive) better than everybody!"

Curtis would often rush to the area I was working in and bump or brush by me or quickly jump in my path while exclaiming, "Excuse You!" I could no longer tolerate Curtis in the summer heat and I went to complain to Eric.

Eric skipped over my complaints about Curtis and began to state how childish I was for refusing to clean the bathroom and breakroom. He said that it did not matter whether I used

them or not. He said that I was responsible for cleaning them because, "You work here!" He said that I would clean or I would not be working there and that I had better start looking for another job. I immediately gave two weeks notice. Eric printed a copy of the "Visual Factory" (see attch.pg.3). He highlighted the word "everybody" while stating that everybody had to clean.

I requested complete copies of both the cleaning schedule and the Visual Factory. Visual Factory does not pertain to bathrooms and breakrooms, these areas are part of building maintenance and services; i.e., grass cutting, snow removal, roofing, tree trimming, trash collection, electrical, HVAC and janitorial services etc..

Without argument of job descriptions; If everybody must clean then, everybody must clean. There are three employees who are not on the cleaning schedule: Chris Tate, C.A. Martin and Charles Roane. They use these areas daily and I do not. None of these employees have had their employment threatened. As a delivery driver, I drive six hours or more during an eight hour day. I should have been the first person omitted from the cleaning schedule.

Curtis omitted these names intentionally and made sure that my name was first for cleaning the bathroom. This was not coincidence. Racial motivation, malicious intent to harass, humiliate and demean, were the primary factors in Curtis leaping at the opportunity to assemble the cleaning schedule.

Curtis has willfully and rightfully cleaned these areas for over a year, as he spends an inordinate amount of time in both the breakroom and the bathroom. This was not a problem until Eric decided that everyone should clean. Eric should not have allowed Curtis to make the schedule. Curtis is a warehouseman with no management experience or authority. Eric should have completed this task and insured that everyone was on the schedule. This schedule has been administered in an unequal, unfair, unjust and racially biased manner. Eric permitted Curtis to do this with no oversight or supervision. He is inept as a manager.

I am experiencing bad dreams due to the suppression of extreme rage. I have suffered discrimination, harassment, threat of firing resulting in forced resignation, loss of wages, emotional distress and mental anguish. I am experiencing loss of concentration, appetite, weight and sleep. I am seeking compensatory and punitive damages of \$300,000.

Jury Trial REQUESTED.

Gilbert Melvin Carter Jr. 8/5/10
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GILBERT MELVIN CARTER JR.

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V
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GLEN ALLEN, VA 23060

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